

AMENDED IN SENATE FEBRUARY 23, 2010

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 790

Introduced by Assembly Member ~~Ruskin~~ Members *Hernandez and Ruskin*

February 26, 2009

~~An act relating to state scientists.~~ *An act to add Section 1232 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 790, as amended, ~~Ruskin Hernandez. State scientists: salaries. State employees: compensation.~~

The California Constitution requires the Legislature to pass a budget bill by June 15 of each year for the fiscal year commencing on July 1. Existing law provides that no state officer or employee shall be deemed to have a break in service or to have terminated his or her employment, for any purpose, or to have incurred any change in his or her authority, status, or jurisdiction or in his or her salary or other conditions of employment, solely because of the failure to enact a Budget Act for a fiscal year prior to the beginning of that fiscal year. Under the California Constitution, money may be drawn from the State Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant.

This bill would continuously appropriate from the General Fund and other specified funds to the Controller an amount necessary for the

payment of compensation and employee benefits to state employees, as defined, for work performed on or after July 1 of a fiscal year for which no budget has been enacted.

This bill would specify, if a memorandum of understanding is in effect that has been approved by the Legislature, that the compensation and contribution for employee benefits for represented state employees be at a rate consistent with the memorandum of understanding and, for state employees excluded from collective bargaining, at the rate approved by the Department of Personnel Administration prior to the commencement of the fiscal year for which a Budget Act has not been enacted. The bill would require, if a memorandum of understanding is not in effect for represented state employees and the department has not approved a compensation package for state employees excluded from collective bargaining, that the compensation and contribution for employee benefits for represented state employees and state employees excluded from collective bargaining be at the rate in effect at the expiration of the last fiscal year for which a budget was enacted.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law generally requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service subject to any constitutional merit limits. Existing law requires the salary range to be based on the principle that like salaries shall be paid for comparable duties and responsibilities. Existing law prohibits the department from making any adjustments that require expenditures in excess of existing appropriations that may be used for salary increase purposes.~~

~~This bill would implement the salary determinations of the Department of Personnel Administration for 14 classifications of state scientist supervisory employees covered by the April 28, 2008, Director's Decision of the Department of Personnel Administration, as ordered by the Sacramento County Superior Court on April 24, 2009. The bill would provide that it is contingent upon an appropriation for that purpose.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1232 is added to the Government Code,*
2 *to read:*

3 1232. (a) *Notwithstanding Section 13340, in any fiscal year*
4 *in which the Budget Act is not enacted by July 1 of that fiscal year,*
5 *there is hereby continuously appropriated without regard to fiscal*
6 *years to the Controller from the General Fund, unallocated special*
7 *funds, federal funds, and any other fund from which state*
8 *employees are compensated, the amount necessary for the payment*
9 *of compensation and employee benefits to state employees until*
10 *the Budget Act of that fiscal year is enacted. The Controller may*
11 *expend an amount no greater than that necessary to enable the*
12 *Controller to compensate state employees for work performed*
13 *between July 1 of the applicable fiscal year and the enactment of*
14 *the Budget Act.*

15 (b) *If there is a memorandum of understanding in effect that*
16 *has been approved by the Legislature, the compensation and*
17 *contribution for employee benefits for represented state employees*
18 *shall be at a rate consistent with the memorandum of understanding*
19 *and compensation and contribution for employee benefits for state*
20 *employees excluded from collective bargaining shall be at the rate*
21 *approved by the Department of Personnel Administration prior to*
22 *the commencement of the fiscal year for which a Budget Act has*
23 *not been enacted. If a memorandum of understanding is not in*
24 *effect and if the department has not approved a compensation*
25 *package for state employees excluded from collective bargaining,*
26 *compensation and contribution for employee benefits for*
27 *represented state employees and state employees excluded from*
28 *collective bargaining shall be at the rate in effect at the expiration*
29 *of the last fiscal year for which a budget was enacted.*

30 (c) *The Department of Finance may, upon enactment of the*
31 *Budget Act and in the absence of this action being taken by the*
32 *Legislature or the Governor in that Budget Act, reduce the*
33 *applicable Budget Act allocations by the amount of any warrants*
34 *drawn pursuant to subdivision (a).*

35 (d) *For the purposes of this section, "state employee" means*
36 *an employee as defined in Section 19815.*

37 SEC. 2. *This act is an urgency statute necessary for the*
38 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*

3 *In order that state employees may be compensated for work*
4 *performed without delay in the event of a budget impasse, and in*
5 *order that funds may be continuously appropriated to the*
6 *Controller at the earliest possible time for the purposes of*
7 *compensating state employees, it is necessary that this act take*
8 *effect immediately.*

9 ~~SECTION 1. The salary determinations of the Department of~~
10 ~~Personnel Administration for 14 classifications of state scientist~~
11 ~~supervisory employees covered by the April 28, 2008, Director's~~
12 ~~Decision of the Department of Personnel Administration shall be~~
13 ~~implemented, as ordered by the Sacramento County Superior Court~~
14 ~~on April 24, 2009. This act is contingent upon an appropriation~~
15 ~~for the purpose of this act.~~